**T – DOMESTIC VIOLENCE**

A. Interpretation: The affirmative may only derive offense from arguments about violence between heterosexual couples where the man is the abuser. Domestic violence is distinct in the literature from other relationship violence.

Michael Johnson, Professor of Sociology at Penn State, and Kathleen Ferraro, Professor of Women’s Studies at Arizona State University, “Research on Domestic Violence in the 1990s: Making Distinctions”, Journal of Marriage and Family, Volume 62, Number 4, 2000

In everyday speech and even in most social science discourse, "domestic violence" is about men beating women. It is estimated that somewhere in the neighborhood of two million women in the United States are terrorized by husbands or other male partners who use violence as one of the tactics by which they control "their woman." Most of the literature on domestic violence is about men controlling women in intimate relationships through the use of violence. This is not, however, the only form of violence between adult or adolescent partners in close relationships, and our re-view will therefore cover "partner violence" in a broad range of couple relationships, including the marital, cohabiting, and dating relationships of same-gender and opposite-gender couples.

B. Violation:

C. Reasons to prefer:

Distinguishing among types of violence is absolutely critical to determine the causal variables in social science research in the topic literature. The precision and context-specific nature of my definition best allows us to do that, making my interp the most predictable and grounded in the academic and policy research that shapes the real-world discussion of domestic violence.

Michael Johnson, Professor of Sociology at Penn State, and Kathleen Ferraro, Professor of Women’s Studies at Arizona State University, “Research on Domestic Violence in the 1990s: Making Distinctions”, Journal of Marriage and Family, Volume 62, Number 4, 2000

We have given these distinctions considerable attention because in our review we found our understanding of the literature to be improved by making distinctions among types of violence. For example, the marital violence literature is rife with studies that claim to show that partner violence is gender symmetric, if not perpetrated more often by women than by men, continuing to leave readers of this literature with the impression that men and women are equally abusive. Almost all of these studies, however, use the sort of general heterosexual sample in which aggregated violence only appears to be gender symmetric because it lumps together IT, which is essentially perpetrated by men; CCV, which is perpetrated slightly more often by men than by women; and VR, which is clearly perpetrated more often by women than by men (John-son, 2000b). Similarly, Macmillan and Gartner (1999) demonstrated the centrality of such distinctions [are central] in causal research. They found three qualitatively distinct forms of spousal violence against women, two of which they identified with CCV and IT. When they used these classes as dependent variables in multivariate analyses, the models for [show that] CCV and IT were clearly different.

Thus, it’s critical to distinguish between these categories; this impacts all levels of analysis such as arguments about self-defense and util impacts because there are specific differences between violence levels and situations in abuse. Broader interps harm my ability to prepare arguments because evidence comparison becomes arbitrarily favorable to the aff since impacts are larger with a larger swath of violence and there’s diversification of strategies since aff gets access to critical arguments involving other marginalized groups, so aff get easier access to the ballot by a greater number of strategies. And, because my evidence shows that there are significant differences between types of violence, the ability to conflate terms and use all of them interchangeably means that AC evidence will have implications different from those using precise topic literature. Prep derives from topic lit since terms of art in the resolution are contextualized by authors in the relevant field who distinguish between arguments that fall into different categories, so it’s more relevant than common usage or more general standards since it pinpoints how solvency arguments and general topical cards will use the terms. I also control the internal link to common usage because most common speech is about men beating women.

**T – DELIBERATE**

A. Interpretation: Merriam Webster Online defines “deliberate” as: “made, given, or done with full awareness of what one is doing”. This means that the word deliberate in the resolution entails that the decision to use of deadly force was pre-planned, weighed against potential alternative courses of action and arrived at rationally, in a calm and culpable state of mind as opposed to deadly force used in confrontational violence.

B. Violation:

C. Standards:

1. Real world use:

a. Common usage: The popular understanding of deliberate killing is consistent with my interpretation.

Michael Mannheimer quotes multiple authors: Professor of Law, Salmon P. Chase College of Law: [“Not the Crime but the Cover-Up: A Deterrence-Based Rationale for the Premeditation-Deliberation Formula” INDIANA LAW JOURNAL Vol. 86. 2011

Pauley, supra note 2, at 153; see also Brenner, supra note 2, at 280 (observing that the terms imply [deliberate implies] “the operation of a rational mental process which questions the execution of a plan to kill and subsequently decides to complete the plan to the exclusion of other alternatives”); Kremnitzer, supra note 1, at 655 (“[It would be suitable to require that the process of deliberation be carried out composedly and in a calm state of mind, and not in a tempestuous state of mind.”); Mounts, supra note 2, at 261 (“In the public mind a ‘deliberate and premeditated murder’ involves careful and precise planning by a cold, detached, ruthless killer . . . .”); Perkins, supra note 19, at 448 ([according to State v. Benson,]“Deliberation means that the act is done in a cool state of blood.” (quoting State v. Benson, 111 S.E. 869, 871 (N.C. 1922))); Herbert Wechsler & Jerome Michael, A Rationale of the Law of Homicide: I, 37 COLUM. L. REV. 701, 707 (1937) (observing that deliberation suggests the decision to kill was reached “calmly”).

Common usage controls the internal link to predictability. The popular understanding of terms frames the way those terms are used in the literature and the way debaters prepare to debate topics about them. I have evidence from an expert in the field making a specific claim about what the common use of the term is; do not allow them to simply assert an alternative. They need to provide qualified evidence that makes a different claim and compare it to the quality of my evidence. Predictability is key to fairness because in order to be prepared to debate particular arguments debaters need to be able to predict that argument will be made given the wording of the topic.

b. Legal usage – My interpretation is the most consistent with the legal understanding of deliberate killing. Case law in People v. Wolff and People v. Thomas confirms.

SUZANNE MOUNTS Professor, University of San Francisco School of Law [“Premeditation and Deliberation in California: Returning to a Distinction Without a Difference” University of San Francisco Law Review Vol. 36, 2002]

The reference to the ability to "maturely and meaningfully reflect" came to be associated strongly with the Wolff decision as a sort of judicial gloss on the statutory elements of premeditation and deliberation. However, in fact, this language seems to derive[s] from the definition of "deliberate" provided in WEBSTER'S NEW INTERNATIONAL DICTIONARY (2ded.) cited as early as People v.Thomas, 156P.2d7(Cal.1945), decided almost twenty years before *Wolff* That definition [which] included "to weigh in the mind; to consider the reasons for and against; to consider *maturely; reflect* upon *..."*

The legal understanding of a term is preferable because it is the most stable.

Seymour Block: [Disinfection, Sterilization and Preservation. 2001]

Definitions are man-made: they do not come to us from on high. They attempt to make boundaries around terms, but these boundaries are often vague and indis­tinct. Yet we must work with them as best we can. Death is not exact. When is a person dead? When he is no longer breathing? When he is brain dead? When all the cells in his body arc dead? When is a product sterile? When all life in it has been killed or when it has been heated at x temperature for y minutes or when its microbial popula­tion is reduced by z D values? It is what we say it is according to the way we construct our definition. Definitions by lexicographers and lawyers serve the useful purpose of giving all people the opportunity of common understanding of what they mean when they use a word. When manufacturers label a product as an anti­septic or disinfectant, it is imperative that their product does what these terms say it should do. Under the origi­nal Food and Drugs Act, a judicial decision slates, \*\*Language used in the label is to be given the meaning ordi narily conveyed by it lo those to whom ii was addressed." This is difficult to do where meanings are vague. Dictio­naries and legal definitions clarify the meanings and give them greater stability. It was in 1925 that the U.S. Bureau of Chemistry [now the Food and Drug Administration (FDA)] deemed it necessary to give drug manufacturers a legal definition of the word antiseptic so that this class of drugs could be controlled by the government. Words such as antiseptic, disinfectant\ and sanitizer are excellent examples of words that had loosely accepted meanings until they were more strictly defined, Austin M Patter­son, a lexicographer of scientific terms, made a thorough study of many of these words in 1932, which served to crystallize their meanings! Patterson, 1932). Many of the definitions that follow are of his preparation. Some of the others ore from McCulloch (1945). Reddish (1957), ami various dictionaries, with my additional comments\* A more detailed discussion of the terms disinfectant\* anti­septic, and sterilization is followed by definitions in alphabetical order of other related terms of general use, A listing is then given of official definitions of the FDA and US. Environmental Protection Agency (EPA), followed by a brief discussion of the origin of some of our terms.

The law provides the most objective and stable definitions. Legal definitions are codified understandings of terms that society agrees upon, making them the most real world because they are the definitions that are relevant to our lives in that those are the definitions that are collectively enforced on everyone by society and the state. Also, legal definitions shape the arguments that are made in the relevant topic literature because the arguments about how society should address any problem inevitably focus on the law, as government is the only cooperative venture that has the power to enforce the solutions to those problems. Topic lit is key to fairness because even if arguments theoretically exist they can only be effectively accessed in round if there is solid evidence from qualified authors that can be utilized by the debaters.

**AT T DELIBERATE (1AR CI)**

A is the Counter-Interpretation: Deliberate means the act is intentional, which includes confrontational and nonconfrontational violence.

B I Meet

C is the Standards:

First, legal precision. The distinction between intent and deliberate is being blinded by rage, but that distinction is too vague - seconds are enough to be deliberate. So, as long as the act was intentional it is deliberate.

Frank Brenner [Assistant District Attorney, New York County, New York. “The Impulsive Murder and the Degree Device” Fordham Law Review, Vol. 22, No. 3. 1953] “Perhaps the most…of the intent.”

Perhaps the most pointed criticism leveled at the unhappy state of affairs is found in the observations of the late Mr. Justice Cardozo. The learned jurist, pointing out the manner in which "deliberate and premeditated" has been reduced in meaning to a term of art entirely at odds with the most elementary teachings of psychology, declared: "... One may say indeed in a rough way that an intent to kill is always deliberate and premeditated within the meaning of the law unless the mind is so blinded by pain or rage as to make the act little more than an automatic or spontaneous reaction to the environment-not strictly automatic or spontaneous, for there could then be no intent, and yet a near approach thereto .... I think the distinction is much too vague to be continued in our law. There can be no intent unless there is a choice, yet by the hypothesis, the choice without more is enough to justify the inference that the intent was deliberate and premeditated. The presence of a sudden impulse is said to mark[s] the dividing line, but how can an impulse be anything but sudden when the time for its formation is measured by the lapse of seconds? Yet the decisions are to the effect that seconds may be enough. What is meant, as I understand it, is that the impulse must be the product of an emotion or passion so swift and overmastering as to sweep the mind from its moorings. A metaphor, however, is, to say the least, a shifting test whereby to measure degrees of guilt that mean the difference between life and death. I think the students of the mind should make it clear to the lawmakers that the statute is framed along the lines of a defective and unreal psychology." 4 ' Mr. Justice Cardozo then put his finger upon the simple truth that a dividing line stripped of meaning ceases to be a dividing line. He stated, in substance, that the areas of first and second degree murder, once obscured by judicial construction, can never be redefined by the rendition of a general jury verdict, the finality of which reflects the reactions of twelve lay individuals to the factual circumstances of the particular case. He declared: "If intent is deliberate and premeditated whenever there is choice, then in truth it is always deliberate and premeditated, since choice is involved in the hypothesis of the intent. What we have is merely a privilege offered to the jury to find the lesser degree when the suddenness of the intent, the vehemence of the passion, seems to call irresistibly for the exercise of mercy. I have no objection to giving them this dispensing power, but it should be given to them directly and not in a mystifying cloud of words. The present distinction is so obscure that no jury hearing it for the first time can fairly be expected to assimilate and understand it. I am not at all sure that I understand it myself after trying to apply it for many years and after diligent study of what has been written in the books. Upon the basis of this fine distinction with its obscure and mystifying psychology, scores of men have gone to their death.”

Prefer this interpretation because Supreme Court justices are the best qualified to interpret legal terms. They are hand-picked to interpret law and they devote their entire life to it, so prefer them over other authors. This is the interpretation cited by many courts, so it is the most widely accepted legal interpretation. Prefer legal definitions because the topic is grounded in legality. Self-defense is a legal concept - NCs on the topic are about legal limits on self-defense. All the topic literature talks about legal arguments. “Deadly force” is a legal term of art. Thus, legal definitions best interpret the meaning of the topic.